

Continuity of Care Advisory Panel
Legal Workgroup Meeting Minutes

August 8, 2013

Spring Grove Hospital Center

Dix Building (2:00-2:30 pm)

I. Attendees:

Sarah Rhine	Maryland Disability Law Center
Nevett Steele	On Our Own of Maryland, Inc.
Kathleen Ellis	MD Office of the Attorney General/DHMH
Scott Rose	Way Station, Inc.
Mike Finkle	On Our Own of Maryland, Inc.
Ed Kelley	BGR Franchising, LLC
Dan Martin	Mental Health Association of Maryland
Christa Taylor	Baltimore Mental Health System, Inc.
Randell Nero	Patuxent Institution
Stacy Reid Swain	DHMH/Behavioral Health and Disabilities

After the plenary meeting, the workgroup participants met with the assigned Chair/Co-Chair and DHMH staff designee to discuss the role of the workgroup, logistics for meeting times, brainstorm potential barriers to continuity of care and production of the final report.

II. Discussion

Co-Chair: Dr. Nero

Dr. Nero led the discussion for the workgroup where the following topics were considered as potential barriers to the continuity of care for the persistent and severely mentally ill population:

Outpatient civil commitment vs. Ambulatory civil commitment (Is there a difference?)

Involuntary commitment

Statutory Access barriers (Should there be recommendations for legislative changes to achieve better health outcomes for this population?)

Maryland Guardianship statute (What is the relevance of this statute? Are there limitations and/or revisions needed?)

Inconsistencies in the law (Three different laws/regulations are applicable but are they in conflict with one another?)

HIPPA/confidentiality

Access to records

Forced medication

Legal restrictions related to housing (What options are available for this population? The assisted living/board and care regulations primarily are for youth and the elderly)

More innovative with CRISP

Confidentiality with Police (In certain jurisdictions the police are reluctant to distribute information citing HIPPA/confidentiality as the basis)

Recommendations to take into local jurisdictions

Coordination of medical information/records when prisoners are released (A system needs to be in place to ensure coordination of services and follow-up with inmate care after release into the community)

“Second Chance Grant” (Information will be shared with group)

Accountability that providers are providing services (How can providers be held accountable for care?)

Laws for discharge from hospital (The workgroup will review and make recommendations/comment)

Not criminally responsible (The workgroup will review this defense)

Violations of conditional release (Is there statistical information available regarding prisoners who violate conditions based on non-compliance with medication?)

III. Consultant Data Request

The Legal Workgroup identified the following Data that is needed by the Consultant:

What is the burden of costs to the tax payer for the high end user/ chronic-persistent mentally ill?

What data is available from state prison system re: number of seriously mentally ill, number of inmates prescribed medication and the costs of medication?

What data is available regarding the number of Clinical Review Panels, Involuntary Admissions and Commitment Hearings?

Is there any data from private psychiatric facilities?

Is there record of violations of conditions of release?

Reports are needed from hospital associations regarding how many people are visiting emergency rooms with psychiatric conditions for either somatic care or psychiatric care?

What is the percentage of severely mentally ill patients from forensics going into State hospitals?

What is the average stay for forensic patients?

What is the number of Emergency Petitions coming into hospitals?

How many Emergency Petitions come from the court system in each county? The data should be based on the person (police officer etc.) who actually serves the petition.

What information cannot be used by the decision maker in Emergency Petitions?

IV. Adjourn

The statutes/regulations provided by the OAG will be distributed by Stacy Reid Swain to the Legal Workgroup along with the meeting minutes, barriers to care topics and list of questions. Any information that needs to be distributed to the workgroup shall be sent via email to Stacy Reid Swain.

Prepared by Stacy Reid Swain, Esq.